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REMARKS

The Applicants hereby gratefully acknowledge the Examiner's indication that claims 13-15 contain allowable subject matter, but are objected to as being dependent upon a rejected base claim. It is believed that base claim no. 1 is now allowable in view of the instant amendment. The Applicants also thank the Examiner for the telephonic interview granted on September 22, 2006, during which the rejections were discussed.

The Examiner has required that withdrawn claims 24-42 be canceled. However, in the event that the polyamide composition claims are determined to be patentable, Applicants respectfully request that multilayer film claims 24-38 of Group II and process claims 39-42 of Group III be rejoined. Independent claim no. 24 teaches a multilayer film comprising at least one layer of the polyamide composition of the invention, which is attached to at least one thermoplastic polymer layer. It is urged that if the polyamide composition is patentable, such a multilayer film including a layer of the polyamide composition would also be patentable, as well as the claimed processes for making a multilayer article including a layer of the patentable polyamide composition. No additional search would be required. Withdrawn independent claims 24, 39 and 42 have been amended to include all the limitations of independent claim no. 1, and should be rejoined and allowed. Such action is requested. In the event that the Examiner disagrees and will not rejoin withdrawn claims 24-42, the Examiner is hereby authorized to cancel claims 24-42, but Applicants accordingly reserve their right to file a divisional application for these withdrawn claims.

Additionally, in view of the above amendment, it is respectfully submitted that should claim no. 1 be allowed, the patentability should extend to withdrawn claims 2, 3 and 5-7 which are drawn to non-elected species. Accordingly, Applicants respectfully request that these claims be rejoined and also allowed.

The Examiner has rejected claims 9 and 10 under 35 U.S.C. 112, second paragraph, for lacking antecedent basis. It is respectfully submitted that the amendment to claim 1 overcomes the rejection of both claims 9 and 10. Claim 1 has been amended to include direct antecedent basis for the structure of claim 9 wherein Z = an arylene group of C₆ to C₁₄. The Applicants respectfully request that the rejection now be withdrawn.

The Examiner has rejected claims 1, 4, 9, 10, 16-18 and 20-23 under 35 U.S.C. 102(b) or 35 U.S.C. 103(a) over U.S. patent 6,416,832 to Uehara, et al. With regard to the 35 U.S.C. 102(b) portion of the rejection, it is respectfully submitted that the rejection has been overcome by the instant amendment. The previously used term "comprising" in claim 1(ii) has been amended to the phrase "consisting essentially of" in two instances. It is respectfully submitted that this amendment effectively precludes the presence of additional repeating units from the repeating unit structures specified in claim 1(ii), and eliminates any potential overlap of claimed component (ii) with "copolymer c" of the applied reference. Particularly, claimed component (ii) of claim 1 fails to read on nylon copolymers 6/12/MXD6, nylon 610/MXD6 or any other copolymer described by Uehara, et al. as being within the context of their "copolymer c" component. Applicants further submit that nylon MXD6 is not within the scope of "component c" of the applied reference. The "copolymer c" of Uehara, et al. is a two-component copolymer composed of (1) an aliphatic nylon copolymer component and (2) an aromatic

nylon copolymer component, such as the nylon 6/12/MXD6 or 610/MXD6 copolymers. While component (2) may be nylon MXD6, such must be copolymerized with the aliphatic nylon component (see col. 3, line 16 -col. 4, line 62). Accordingly, it is respectfully submitted that the 35 U.S.C. 102(b) portion of the reference has been overcome.

With regard to the 35 U.S.C. 103(a) portion of the rejection, it is respectfully submitted that the rejection is overcome by the following arguments. As specifically reflected in the dependent claims, component (i) of the claimed composition may be nylon 6 (see claim 20), and component (ii) of the claimed composition may be nylon MXD6 (PA-poly(meta-xylylene adipamide)) (see claim 10). In rejecting the claims, the Examiner directs Applicants to Comparative Example 3 of the applied reference which shows a five component composition including nylon 6, nylon MXD6 and an amorphous nylon, as well as polyethylene and ethylene acrylic acid (EAA).

In the prior amendment, Applicants amended claim 1, line 1, changing the transitional term "comprising" to the transitional phrase "consisting essentially of" to clarify that the polyamide compositions of the invention may not include such polyolefin components. However, the Examiner has required the Applicants to show how that the presence of such additional polyolefin material would materially affect the basic and novel characteristics of the claimed invention. In this regard, Applicants urge that the addition of such polyolefin material would significantly and detrimentally affect the properties of the polyamide composition of the invention such that it would be unsuitable for its intended use. Particularly, the polyethylene and EAA are materials which are immiscible with nylon and produce a hazy film, which is undesirable for traditional packaging film and bottle

applications. The addition of such polyolefin materials would render the polyamide composition unsuitable for bottle applications, because the polyolefins cause the formation of voids upon the stretch blow molding processing used to form bottles. Further, such polyolefin components materially reduce the barrier properties of the against the transmission of carbon dioxide, oxygen and water vapor, which properties are critical for preserving the freshness and shelf life of products stored in polymeric packages. Accordingly, Applicants submit that the "consisting essentially of" language does effectively preclude the incorporation of polyolefins from the inventive polyamide compositions.

Applicants further point out that the five component composition described in Comparative Example 3 has been specifically presented by Uehara, et al. as an undesirable composition which is unacceptable for their intended use. For example, in Table 1, the applied reference reveals that a composition of nylon 6, amorphous nylon, nylon MXD6, polyethylene and FAA produce a composition having inadequate stretchability, unsatisfactory filling capability for their intended use as a casing film, and unacceptable wrinkling tendency as a casing film. Furthermore, at col. 4, lines 52-62, the applied reference specifically teaches away from the incorporation of "ordinary nylon MXD6", as compared to a copolymer of nylon MXD6 with an aliphatic nylon, stating that films produced therefrom have unacceptable properties for their purposes. See also col. 2, lines 9-18, which outlines problems encountered by Uehara, et al. associated with the use of nylon MXD6. Accordingly, their "copolymer c" is employed as a necessary alternate for their purposes.

In view of this disclosure, Applicants respectfully assert that it would not be obvious to one skilled in the art to form the polyamide compositions of the


invention in view of the disclosure of the applied reference. The Uehara, et al. reference does not teach or suggest to those of ordinary skill in the art that they should make a polyamide composition including ordinary nylon MXD6, and certainly not a blend consisting essentially of nylon components (i), (ii) and (iii) described in claim 1. Likewise, the belief that one skilled in the art could form the claimed polyamide composition does not suggest that one should form such a film. It is further urged that one skilled in the art would not be imbued with an inspiration to convert the polyamides of claimed component (ii) to within the scope of "copolymer c" of Uehara, et al. upon a reading of the applied reference. In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schneck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). It is respectfully asserted that the invention as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made. For the foregoing reasons, it is respectfully submitted that the rejection is overcome and should be withdrawn. Such action is requested.

The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the Examiner believes there is any matter which prevents allowance of the present

application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

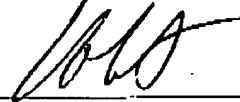
The due date for a response to the instant office action was due on October 14, 2006 which was a Saturday. This response is timely filed on Monday October 16, 2006. In the event that the Commissioner determines that an extension of time is required in order for this submission to be timely, it is requested that this submission include a petition for an extension for the required length of time and the Commissioner is authorized to charge any other fees necessitated by this paper to Deposit Acct. No. 01-1125.

Respectfully submitted,



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I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office (FAX No. (571) 273-8300) on October 16, 2006.



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